

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

IN RE:

Case No. 16-29232

Judge Kathryn C. Ferguson

Crochet, Gina M.

Chapter 13

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Modified/Notice Required

☒ Discharge Sought

☐ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: February 13, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

- a. The debtor shall pay \$ 100.00 per month to the Chapter 13 Trustee, starting on 11/1/2016 for approximately 60 months.
- b. The Debtor shall make plan payments to the Trustee from the following sources:
☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
☒ Sale of real property
Description: 38 Springfield Avenue, Oceanport, NJ
Proposed date for completion: January 2018
☐ Refinance of real property
Description:
Proposed date for completion: _____
☐ Loan modification with respect to mortgage encumbering property
Description:
Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☒ Other information that may be important relating to the payment and length of plan: The debtor will list real property commonly known as 38 Springfield Avenue, Oceanport, NJ for sale.

Part 2: Adequate Protection

- a. Adequate protection payments will be made in the amount of \$ None to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).
- b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
None		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
LSF 9 Master Participation Trust c/o Caliber Home Loans, Inc.	Residence 38 Springfield Avenue Oceanport, NJ				Creditor s will be paid from the proceeds of sale of the residence

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

None							
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
None			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Atlantis Mortgage Company

e. Secured Claims to Be Paid in Full Through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
None		

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

Not less than \$ _____ to be distributed *pro rata*

Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
None			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
None		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None							

b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
None		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) **Trustee Commissions**
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-petition claims The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C.

Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: 2/13/2017

Explain below why the Plan is being modified.	Explain below how the Plan is being modified.
To describe how the mortgage holder on the debtor's residence will be paid under the plan	The mortgage holder on the debtor's residence will be paid in full from the sale of the debtor's residence

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 2/13/2017 /s/ Timothy P. Neumann Esq
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 2/13/2017 /s/ Gina M. Crochet
Debtor

Joint Debtor

Certificate of Notice Page 6 of 7
 United States Bankruptcy Court
 District of New Jersey

In re:
 Gina M. Crochet
 Debtor

Case No. 16-29232-KCF
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 18

Date Rcvd: Feb 21, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 23, 2017.

db Gina M. Crochet, 38 Springfield Ave, Oceanport, NJ 07757-1215
 516436267 Atlantis Mortgage Company, 55 Oceanport Ave, West Long Branch, NJ 07764-1427
 516436269 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One Bank USA N, 15000 Capital One Dr,
 Richmond, VA 23238-1119)
 516436270 +Fein Such Kahn & Shepard, 7 Century Dr Ste 201, Parsippany, NJ 07054-4673
 516436271 LSF 9 Master Participation Trust, c/o Caliber Home Loans Inc, 13801 Wireless Way,
 Oklahoma City, OK 73134-2500
 516646138 +U.S. Bank Trust, N.A., as Trustee for LSF9 Master, c/o, Caliber Home Loans,
 13801 Wireless Way, Oklahoma City, OK 73134-2500

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Feb 22 2017 00:02:17 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Feb 22 2017 00:02:14 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516436268 E-mail/Text: bkmailbayview@bayviewloanservicing.com Feb 22 2017 00:02:36
 Bayview Loan Servicing, LLC, 4425 Ponce de Leon Blvd Fl 5, Coral Gables, FL 33146-1837
 516500125 +E-mail/Text: bankruptcy@cavps.com Feb 22 2017 00:02:29 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340
 516479962 E-mail/PDF: resurgentbknofications@resurgent.com Feb 21 2017 23:59:03
 LVNV Funding, LLC its successors and assigns as, assignee of FNBM, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 516436272 E-mail/PDF: resurgentbknofications@resurgent.com Feb 21 2017 23:58:40 Lvnv Funding LLC,
 PO Box 10497, Greenville, SC 29603-0497
 516436273 E-mail/Text: camanagement@mtb.com Feb 22 2017 00:02:04 M & T Bank, PO Box 1288,
 Buffalo, NY 14240-1288
 516645962 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 22 2017 00:22:08
 Portfolio Recovery Associates, LLC, C/O Capital One Bank (usa), N.a., POB 41067,
 Norfolk VA 23541
 516646136 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 22 2017 00:04:37
 Portfolio Recovery Associates, LLC, c/o Orchard Bank, POB 41067, Norfolk VA 23541
 516637181 +E-mail/PDF: resurgentbknofications@resurgent.com Feb 21 2017 23:58:41
 PYOD, LLC its successors and assigns as assignee, of Roundup Funding L.L.C.,
 Resurgent Capital Services, PO Box 19008, Greenville, SC 29602-9008
 516436275 E-mail/Text: bankruptcy@senexco.com Feb 22 2017 00:01:26 Senex Services Corp,
 3333 Founders Rd, Indianapolis, IN 46268-4933
 516438303 E-mail/PDF: gecsed@recoverycorp.com Feb 21 2017 23:58:28 Synchrony Bank,
 c/o of Recovery Management Systems Corp, 25 S.E. 2nd Avenue, Suite 1120,
 Miami, FL 33131-1605

TOTAL: 12

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516436274 ##Portfolio Recovery Ass, 287 Independence Blvd, Virginia Beach, VA 23462-2962

TOTALS: 0, * 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
 will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
 debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
 shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
 Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
 by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Feb 23, 2017

Signature: /s/Joseph Speetjens

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 18

Date Rcvd: Feb 21, 2017

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 15, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor LSF9 Master Participation Trust
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
R. A. Lebron on behalf of Creditor BAYVIEW LOAN SERVICING, LLC bankruptcy@feinsuch.com
Timothy P. Neumann on behalf of Debtor Gina M. Crochet timothy.neumann25@gmail.com,
btassillo@aol.com;geoff.neumann@bnfsbankruptcy.com

TOTAL: 5